

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LONTEX CORPORATION,	CIVIL ACTION
v.	NO. 18-5623
NIKE, INC.	

ORDER RE CROSS-MOTIONS FOR SUMMARY JUDGMENT

AND NOW, this 24th day of February, 2021 after careful consideration of Plaintiff Lontex's Motion for Partial Summary Judgment (ECF 188), Defendant Nike's Response (ECF 201), Plaintiff's Reply (ECF 218), for the reasons stated in the attached memorandum, it is hereby **ORDERED**:

1. Plaintiff's Motion for Summary Judgment is **GRANTED IN PART AND DENIED IN PART**, as follows:

- a. The Motion is **GRANTED** with respect to Nike's fourteenth affirmative defense (statute of limitations) as it relates to Counts I, II, III, and V;
- b. The Motion is **GRANTED** with respect to Nike's fourteenth affirmative defense (statute of limitations) as that defense relates to infringement under Count IV occurring only in the two years preceding the filing of this lawsuit;
- c. The Motion is **DENIED** with respect to Nike's fourteenth affirmative defense (statute of limitations) as that defense relates to infringement under Count IV occurring prior to the two years preceding the filing of this lawsuit; and
- d. The Motion is **DENIED** with respect to Nike's fifteenth affirmative defense (laches, waiver, acquiescence, and estoppel).

2. After careful consideration of Defendant's Motion for Summary Judgment (ECF 191), Plaintiff's Response (ECF 203), and Defendant's Reply (ECF 220), for the reasons stated in the attached memorandum, it is hereby **ORDERED** that Nike's Motion for Summary Judgment is **DENIED**.

3. Reply briefs regarding the parties' pending Daubert Motions shall be filed within fourteen (14) days. Reference may be made to exhibits already submitted, but no new exhibits are allowed. Counsel will be notified if oral argument is requested.

4. Plaintiff's pretrial memorandum due no later than April 1, 2021.

5. Defendant's pretrial memorandum due no later than April 15, 2021.

6. Final pretrial telephone conference will be scheduled the week of April 19, 2021.

7. Trial pool date is May 3, 2021. Trial will take place in May or June, depending on covid restrictions and the Court's calendar.

BY THE COURT:

s/ Michael M. Baylson
MICHAEL M. BAYLSON, U.S.D.J.